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REAL ESTATE COMMISSION  
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

JOSEPH R. DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Case No. RES 13-05-01-310

Petitioner,

vs.

KAMYAR ZARGARI,

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("DIVISION"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Kimberly A. Arguello, Senior Deputy Attorney General, hereby notifies RESPONDENT KAMYAR ZARGARI ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("COMMISSION") which hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Broker under license number B.1000830.CORP and a property manager under permit number PM.0163796.BKR and is therefore subject to the jurisdiction of the Division and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. RESPONDENT, at the relevant times mentioned in this Complaint, was licensed as a Broker, license number B.1000830.CORP, and a property manager under permit

1 number PM.0163796.BKR and is currently active and subject to the jurisdiction of the Division  
2 and the provisions of NRS chapter 645 and NAC chapter 645.

3 2. At all relevant times RESPONDENT was the broker and property manager for  
4 Triumph Property Management.

5 3. RESPONDENT managed property located at 1792 Lily Pond Circle, Henderson  
6 Nevada ("the property") for the owner.

7 4. On or about July 7, 2011, RESPONDENT entered into a lease agreement for the  
8 property with Rasheda Bailey.

9 5. RESPONDENT collected security deposit from Ms. Bailey of \$1,035.00.

10 6. On August 8, 2011 a move in inspection was completed and a Move-In/Move-  
11 Out Checklist was completed with Ms. Bailey and Ms. Garcia who signed as agent of owner.

12 7. The lease was rescinded by mutual agreement effective March 31, 2012.

13 8. RESPONDENT failed to complete the Move-Out Checklist.

14 9. Despite numerous requests, Ms. Bailey did not receive any portion of her  
15 security deposit unit May 25, 2012 via check #16507 dated May 17, 2012 in the amount of  
16 \$405.

17 10. RESPONDENT states via affidavit that he mailed a check and security deposit  
18 transmittal to Ms. Bailey at the Lily Pond address on April 26, 2012.

19 11. Check number 16507 is dated April 27, 2012.

20 12. RESPONDENT submitted to the Division two checks numbered 16507; one  
21 dated April 27, 2012 and one dated May 17, 2012.

22 13. No itemized written accounting of the disposition of the security deposit was sent  
23 with the May 17, 2012 check.

24 14. Ms. Bailey had, previous to April 27, 2012, called and left a forwarding address  
25 with RESPONDENT's receptionist. Further, Ms. Bailey filed change of address with the US  
26 postal service.

27 15. All of the deductions from the security deposit were as a result of issues listed  
28 on the Move-In Checklist or normal wear and tear.

1 16. After numerous requests for her security deposit, Ms. Bailey attempted to  
2 resolve this matter through the Neighborhood Justice Center.

3 17. RESPONDENT did not respond or declined to participate in dispute mediation.

4 18. Ms. Bailey filed a small claims action against RESPONDENT.

5 19. Even after numerous appeals by RESPONDENT, he was ordered to pay Ms.  
6 Bailey her full security deposit of \$1,035 plus \$115 in costs.

### 7 **VIOLATIONS**

8 RESPONDENT has committed the following violations of law:

9 20. RESPONDENT violated NRS 645.630(1)(f) pursuant to NRS 118A242 for failing  
10 to account for and remit security deposit within a reasonable time. .

11 21. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605(11)(c) by  
12 providing false information to the Division.

13 22. RESPONDENT violated NRS 645.633 (1)(i) pursuant to NAC 645.605(11)(c) by  
14 providing false documentation to the Division.

### 15 **DISCIPLINE AUTHORIZED**

16 23. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to  
17 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and  
18 further to suspend, revoke or place conditions on the license of RESPONDENT.

19 24. Additionally, under NRS Chapter 622, the Commission is authorized to impose  
20 costs of the proceeding upon Respondent, including investigative costs and attorney's fees, if  
21 the Commission otherwise imposes discipline on Respondent.

22 25. Therefore, the Division requests that the Commission take such disciplinary  
23 action as it deems appropriate under the circumstances.

### 24 **NOTICE OF HEARING**

25 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
26 Administrative Complaint against the above-named Respondent in accordance with Chapters  
27 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative  
28 Code.

1       **THE HEARING WILL TAKE PLACE** on December 16, 2015 commencing at 9:00  
2 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day  
3 thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the  
4 business of the Commission is concluded. The Commission meeting will be held on  
5 December 16, 2015, at the Nevada Department of Employment Training and  
6 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV  
7 89104. The meeting will continue on December 17, 2015, should business not be  
8 concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240  
9 South Water Street, Henderson, Nevada 89015.

10       **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the  
11 same time as part of a regular meeting of the Commission that is expected to last from  
12 December 16 through December 17, 2015, or earlier if the business of the Commission  
13 is concluded. Thus, your hearing may be continued until later in the day or from day to  
14 day. It is your responsibility to be present when your case is called. If you are not  
15 present when your hearing is called, a default may be entered against you and the  
16 Commission may decide the case as if all allegations in the complaint were true. If you  
17 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-  
18 4074.

19       **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an  
20 open meeting under Nevada's open meeting law, and may be attended by the public. After  
21 the evidence and arguments, the commission may conduct a closed meeting to discuss your  
22 alleged misconduct or professional competence. A verbatim record will be made by a certified  
23 court reporter. You are entitled to a copy of the transcript of the open and closed portions of  
24 the meeting, although you must pay for the transcription.

25       As the Respondent, you are specifically informed that you have the right to appear and  
26 be heard in your defense, either personally or through your counsel of choice. At the hearing,  
27 the Division has the burden of proving the allegations in the complaint and will call witnesses  
28 and present evidence against you. You have the right to respond and to present relevant

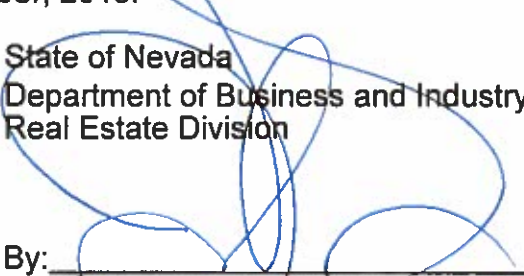
1 evidence and argument on all issues involved. You have the right to call and examine  
2 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant  
3 to the issues involved.

4 You have the right to request that the Commission issue subpoenas to compel  
5 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you  
6 may be required to demonstrate the relevance of the witness' testimony and/or evidence.  
7 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter  
8 233B, and NAC 645.810 through 645.875.

9 The purpose of the hearing is to determine if the Respondent has violated NRS 645  
10 and/or NAC 645 and if the allegations contained herein are substantially proven by the  
11 evidence presented and to further determine what administrative penalty is to be assessed  
12 against the RESPONDENT, if any, pursuant to NRS 645.235, 645.633 and or 645.630.

13 DATED this 12<sup>th</sup> day of November, 2015.

14 State of Nevada  
15 Department of Business and Industry  
16 Real Estate Division

17 By:   
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